



GAU 1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

AOYAGI ET AL

SERIAL NO.: 09/269,897

ART UNIT:1645

FILED: APRIL 2, 1999

EXAMINER: ZEMAN, R.

FOR: METHODS FOR DETECTION OR MEASUREMENT OF VIRUSES

REPLY TO RESTRICTION REQUIREMENT

06/08/2000 TGRAY1 00000004 011944 09269897

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May 1, 2000

Hon. Commissioner of Patents  
And Trademarks  
Washington, D.C. 20231

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Sir:

It is requested that the term for response be extended for one month to May 20, 2000. Please charge the extension fee to Deposit Account No. 01-1944.

Applicant hereby responds to the Restriction Requirement of March 20, 2000 and while applicant disagrees with the Examiner's interpretation of restriction practice under PCT, nonetheless elects, with traverse, Group I, claims 1-11, drawn to a methods of treating virus containing samples.

Further it is believed that since the subject matter of Group II and Group III claims would have to be searched in order to properly cover the subject matter of Group I, claims 1-11, this Restriction Requirement is unfounded.

Applicant cannot agree with the Examiner's interpretation of PCT Rule 13.1 and 13.2 and reserves the right to have further consideration of this issue by the USPTO at a later time.



Accordingly, applicant at this time will not cancel any of the remaining claims at least until this requirement is made final.

In any event, Group I, claims 1-11, are now ready to be examined further by the Examiner.

Favorable action on these claims 1-11 is hereby solicited.

Respectfully submitted,

Michael N. Meller  
Reg. No. 20,779

mb0501ao

Law Offices of Anderson Kill & Olick  
1251 Avenue of the Americas  
New York, NY 10020-1182  
212/278-1000

#### MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231 on May 17, 2000

Date May 17, 2000